

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>CARL S. DANIELS,</b>	:	<b>CIVIL ACTION NO. 1:07-CV-00459</b>
	:	
<b>Petitioner</b>	:	<b>(Judge Conner)</b>
	:	
v.	:	
	:	
<b>JAMES T. WYNDER,</b>	:	
	:	
<b>Respondent</b>	:	

**ORDER**

AND NOW, this 10th day of April, 2007, upon consideration of the report of the magistrate judge (Doc. 4), to which objections were filed (Doc. 5), recommending that the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. 1) be dismissed, and, following an independent review of the record, it appearing that petitioner neither alleges that he exhausted his state remedies nor demonstrates any special circumstances that could constitute an exception to the exhaustion requirement, it is hereby ORDERED that:

1. The report and recommendation of the magistrate judge (Doc. 4) is ADOPTED.
2. The petition for writ of habeas corpus (Doc. 1) is DISMISSED.
3. A certificate of appealability is DENIED. See 28 U.S.C. § 2253(c).
4. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge